

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**BILLY CULVER and PAT CULVER,
et al.,**

Plaintiffs,

v.

**KARL LEO, HERB HESTER,
PHIL HUNNIFORD, ARM, LTD., and
CAYE HOME FURNISHINGS,**

Defendants.

**CIVIL ACTION NO.:
3:02-CV-015-JAD**

**BILLY CULVER and PAT CULVER,
on behalf of themselves and all others
similarly situated,**

Plaintiffs,

v.

**KEN GRIFFIN, DON GRIFFIN,
KEN HENDRICKS, and DIANE
HENDRICKS,**

Defendants.

**CIVIL ACTION NO.:
3:04-CV-176-JAD**

SECOND TRANCHE AND SECOND TRANCH BALANCE PAYMENT ORDER

Before this Court, is the December 17, 2006 Second Tranche Payment Report, May 18, 2007 through October 31, 2007 accounting, and invoice of the Claims Administrator for services rendered and expenses incurred from April 1, 2007 through September 30, 2007. Having reviewed the foregoing, and receiving no objections from the Parties, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The Court hereby approves the Second Tranche Payment Report of the Claims Administrator, the Claims Administrator's accounting through October 31, 2007 and the Claims Administrator's \$41,360.86 invoice for services rendered and expenses incurred from April 1, 2007 through September 30, 2007;

2. As soon as practicable, the Claims Administrator shall issue (a) the Class I Claimant and Class II Claimant payments described in the Second Tranche and (b) the 10.44% balance owed to all First and Second Tranche claimants, Payment Report, subject to previous Orders of this Court concerning payment protocols.

3. The Court hereby authorizes, empowers and directs the Claims Administrator to remit \$39,519.61 from the Culver Qualified Settlement Fund (the "Fund") to Gentle, Pickens & Turner, constituting payment in full from the Culver Qualified Settlement Fund of the Claims Administrator's second invoice, with \$1,841.25 to be charged to the Fund Class II Counsel Fee Reserve of the Fund, \$8,320.44 to be charged to the Claims Administration Fees and Expenses Reserve of the Fund, and \$29,357.92 to be charged to the Fund FASB 5 Reserve created by the Claims Administrator's First Accounting approved by this Court. An additional \$1,841.25 shall be paid from the Class II Counsel Fee Reserve in the Gentle, Pickens & Turner IOLTA.

4. The Claims Administrator may utilize the name, address and social security or employer identification number received from claimants on their Claim Forms to prepare any necessary Federal Form 1099 or other Federal or State information returns in connection with claimant benefits; and

5. Provided that the Claims Administrator, his employees, co-workers or Staff, act strictly in accordance with instructions received from the Court, they are hereby granted judicial

immunity and are protected and immune from liability in connection with paying claimant benefits to a claimant, her attorney or a third party, or preparing any Federal Form 1099 or other Federal or State information returns, or making any Federal or State income tax withholdings in connection with claimant benefits.

SO ORDERED this 10th day of January, 2008.

/s/ JERRY A. DAVIS

UNITED STATES MAGISTRATE JUDGE